

Section Contents

EMPLOYER RESPONSIBILITY:

To post information regarding appeals in a conspicuous area
where notices to employees are normally posted

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Appeals

WAC 296-900-170

WAC 296-900-17005

Appealing a citation and notice (C&N)

IMPORTANT:

- Employers may appeal C&Ns.
- Employees of the cited employer, or their designated representatives, may only appeal correction dates.

You must

- When appealing, submit a written appeal to WISHA within 15 working days after receiving the C&N. Include the following information:
 - Business name, address, and telephone number.
 - Name, address, and telephone number of any employer representative.
 - C&N number.
 - What you believe is wrong with the C&N and any related facts.
 - What you believe should be changed, and why.
 - A signature and date.
- Send appeals in any of the following ways:
 - Mail to:
Assistant Director for WISHA Services
Attn: WISHA Appeals
P.O. Box 44604
Olympia, WA 98504-4604
 - Fax to: 360-902-5581
 - Take to any department service location.



Reference:

See the resources section of the Safety and Health Core Rules, Chapter 296-800 WAC, for a list of the local offices.



Note:

The postmark is considered the submission date of a mailed request.

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WAC 296-900-17005

Appealing a citation and notice (C&N) (continued)

Employees or their designated representatives must:

- When appealing C&N correction dates, submit a written request to WISHA within 15 working days after the C&N is received. Include the following information:
 - Name of employee, address, telephone number.
 - Name, address, and telephone number of any designated representative.
 - C&N number.
 - What is believed to be wrong with the correction date.
 - A signature and date.
- Send appeals in any of the following ways:
 - Mail to:
Assistant Director for WISHA Services
Attn: WISHA Appeals
P.O. Box 44604
Olympia, WA 98504-4604
 - Fax to: 360-902-5581
 - Take to any L&I service location.



Reference:

See the Resources section of the Safety and Health Core Rules, Chapter 296-800 WAC, for a list of the local offices.



Note:

The postmark is considered the submission date of a mailed request.

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Appeals

WAC 296-900-170

WAC 296-900-17005

Appealing a citation and notice (C&N) (continued)

What to expect from WISHA:

- After receiving an appeal, WISHA will do one of the following:
 - Reassume jurisdiction over the C&N, and notify the person who submitted the appeal.
 - Forward the appeal to the Board of Industrial Insurance Appeals. The board will send the person submitting the appeal a notice with the time and location of any board proceedings.



Definition:

Reassume jurisdiction means that WISHA has decided to provide the employer with an informal conference to discuss their appeal.

- When reassuming jurisdiction over a C&N, WISHA has 30 working days after receiving the appeal to review it, gather more information, and decide whether to make changes to the C&N. The review period:
 - Begins the first working day after the appeal is received. For example, if an appeal is received on Friday, the 30 days will begin on the following Monday unless it's a state holiday.
 - May be extended 15 additional working days, if everyone involved agrees and signs an extension agreement within the initial 30-day period.
 - Will include an informal conference about the appeal that's an opportunity for interested parties to:
 - Briefly explain their positions.
 - Provide any additional information they would like WISHA to consider when reviewing the C&N.

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WAC 296-900-17005

Appealing a citation and notice (C&N) (continued)



Note:

WISHA might reassume jurisdiction over a C&N to do any of the following:

- Provide an employer and affected employees an opportunity to present relevant information, facts, and opinions during an informal conference.
 - Give an employer, affected employees, and the department an opportunity to resolve appeals rapidly and without further contest, especially in routine compliance cases.
 - Educate employers about the C&N, the WISHA appeals process, and WISHA compliance.
 - Review citations, penalties, and correction dates. Although informal, the conference is an official meeting and it may be either partially or totally recorded. Participants will be told if the conference is recorded.
- On or before the end of the 30 working day review period, WISHA will issue a corrective notice of redetermination that:
 - Reflects any changes made to the C&N.
 - Is sent to the employer, employees, and employee representatives participating in the appeal process.

Appeals

WAC 296-900-170

WAC 296-900-17010

Appealing a corrective notice of redetermination (CNR)

IMPORTANT:

- Employers may appeal CNRs.
- Employees who could be affected by a CNR, or their designated representatives, may appeal correction dates.

Employees or their representatives must:

- Appeal a CNR, if desired, in writing within 15 working days after it was received to the:
 - Board of Industrial Insurance Appeals
 - 2430 Chandler Court S.W.
 - P.O. Box 42401
 - Olympia, WA 98504-2401
- Send a copy of the appeal to the CNR to the:
 - Assistant Director for WISHA Services
 - Attn: WISHA Appeals
 - P.O. Box 44604
 - Olympia, WA 98504-4604
 - Fax to: 360-902-5581
 - Take to any department service location.

WAC 296-900-17015

Posting appeals

You must

- Immediately post notices and information related to any appeal in the same place where WISHA citation and notices (C&Ns) are posted. These notices and information include:
 - The notice of appeal, until the appeal is resolved.
 - Notices about WISHA reassuming jurisdiction, and any extension of the review period until the end of review period.
 - A notice of an informal conference until after the conference is held.
 - A corrective notice of redetermination for as long as C&Ns are to be posted.



Reference:

- For C&N posting requirements, see Posting citation and notices, WAC 296-900-13015.

Notes
